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Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC and the  
Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ANNETTE BONGIORNO, et al.,

Defendants.

Adv. Pro. No. 10-04215 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY  
DISMISSAL OF ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), by and through his counsel, Baker & Hostetler LLP, and defendants Annette Bongiorno (“Ms. Bongiorno”) and Rudy Bongiorno (“Mr. Bongiorno”) (collectively, “Defendants”), by and through their counsel, Sercarz & Riopelle, LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On November 12, 2010, the Trustee filed and served the Complaint in which the Defendants were named as defendants.

2. On August 24, 2016, the Trustee filed a Motion for Entry of an Order Pursuant to Section 105(a) of the Bankruptcy Code, 11 U.S.C. §§ 101 *et seq.*, and Rules 2002 and 9019 of the Federal Rules of Bankruptcy Procedure, seeking approval of a settlement agreement entered into by the Parties (the “9019 Motion”) (Dkt. No. 42).

3. On September 29, 2016, this Court granted the 9019 Motion and entered an Order approving the settlement agreement by and among the Parties (Dkt. No. 46).

4. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustee’s claims against Defendants in the above-captioned adversary proceeding and dismissing the adversary proceeding (the “Stipulation”).

5. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

6. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: October 27, 2016

**BAKER & HOSTETLER LLP**

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Securities LLC and the Estate of Bernard L. Madoff*

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*Attorney for Annette Bongiorno and  
Rudy Bongiorno*

**SO ORDERED**

**Dated: October 27<sup>th</sup>, 2016**  
**New York, New York**

**/s/ STUART M. BERNSTEIN** \_\_\_\_\_  
**HONORABLE STUART M. BERNSTEIN**  
**UNITED STATES BANKRUPTCY JUDGE**